

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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MAGTEN ASSET MANAGEMENT	)	
CORPORATION and LAW DEBENTURE	)	
TRUST COMPANY OF NEW YORK,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 04-1494 (JJF)
	)	
NORTHWESTERN CORPORATION,	)	
	)	
Defendant.	)	
	)	
MAGTEN ASSET MANAGEMENT CORP.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-499 (JJF)
	)	
MIKE J. HANSON and ERNIE J. KINDT,	)	
	)	
Defendants.	)	

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STATE OF NEW YORK )  
                         ) ss:  
COUNTY OF NEW YORK )

JOSEPH D. PIZZURRO, being duly sworn, deposes and says:

1. I have been admitted pro hac vice to the bar for this Court and am a member of the firm of Curtis, Mallet-Prevost, Colt & Mosle LLP, counsel for defendant, NorthWestern Corporation (“NorthWestern”) in this matter. I submit this affidavit in support of NorthWestern’s Motion In Limine To Exclude The Expert Reports and Testimony of Paul A. Marcus and Robert W. Berliner pursuant to Fed. R. Evid. 702.

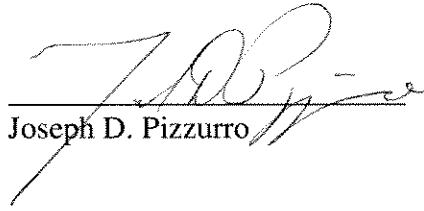
2. Attached as Exhibit 1 is a true and correct copy of the expert report of Paul A. Marcus, dated September 19, 2007.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the deposition of Paul A. Marcus, dated, November 13, 2007.

4. Attached as Exhibit 3 is a true and correct copy of the expert report of Robert W. Berliner, dated September 19, 2007.

5. Attached as Exhibit 4 is a true and correct copy of the expert report of Bruce B. Bingham, dated October 17, 2007

6. Attached as Exhibit 5 is a true and correct copy of excerpts of the deposition of Robert W. Berliner, dated November 8, 2007.



Joseph D. Pizzurro

Sworn to before me this  
10<sup>th</sup> day of January, 2008



Linda L. Froccaro  
Notary Public

LINDA L. FROCCARO  
Notary Public, State of New York  
No. 31-6241000  
Qualified in New York County  
Commission Expires May 31, 2010